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"UPHOLDING HUMAN RIGHTS"

With the world community increasingly focused on issues of security and defeating terrorism, are human rights being eroded, even in countries where respect for those rights has traditionally been strong? In this edition of **World Chronicle**, the outgoing High Commissioner for Human Rights, Mary Robinson, discusses the challenges she has faced during her five-year term trying to keep the world's attention on respect for human rights everywhere.

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ANNOUNCER: From the United Nations in New York, an unedited interview programme on global issues. This is **World Chronicle.** And here is the host of today's **World Chronicle**.

LITTLEJOHNS: I'm Michael Littlejohns, and this is World Chronicle. Security, the threat of terrorism, economic development, environmental protection: are these pressing concerns dominating the world agenda at the expense of human rights? Our guest today has been at the forefront of efforts to keep the international community focused on human rights. She is Mary Robinson, the outgoing United Nation High Commissioner for Human Rights. Joining me to talk to Mrs. Robinson are Robert Holloway of *Agence France-Presse* and Raghida Dergham of *Al-Hayat of London*. Mrs. Robinson, welcome to **World Chronicle**. High Commissioner, your term is almost through, and before you responded to Secretary-General Kofi Annan's request that you continue for another year, you wanted to step down after four years, and at the time, you said that, if I remember rightly, that the constraints of the UN system were a factor in your decision that time. Now that those constraints are about to disappear by the time the programme is aired, will have disappeared, can you speak without constraint about what you have experienced?

ROBINSON: When I decided not to seek a second term, it was because I felt the office had been built up, it was much stronger than when I had come in. I was frustrated by a lot of rhetoric about human rights but no real evidence of resourcing, the doing of it to the extent that was necessary. And I thought the best thing I could do was say: 'look I have done my best, but you are not really as serious about this as you should be and I am not going to continue to really try against so much odds;' and things did change a bit, they didn't change all that dramatically but I got more from the regular budget, I got more from extra budgetary resources...

LITTLEJOHNS: In your final year?

ROBINSON: In the final year. And I got some key placement of people and in fact got the extension of a very key person that I probably wouldn't otherwise been able to do under the wonderful rules. It is true that the rules particularly in the area of human rights are not helpful, because there is a lot of mini-managing by states, and the number of those states are not particularly benevolent towards the system of the office because they see it as monitoring their progress in human rights. So there are always difficulties,

and at the same time I feel now after the fifth year, which was by far the best year as far as I was concerned, I saw the full flowering of the office in two ways; one an effectiveness in our work within the UN system itself and in the field, very important, protection work in the field; and also intellectually the office begun to give real leadership on economic and social rights, on rights development, and on the issues of the Johannesburg Conference. It made a big impact because we had things to say that were very relevant to linking human rights and sustainable development, linking human rights and the environment. Five years ago, we simply wouldn't have been able to do that.

LITTLEJOHNS: You have made several visits to China and of course human rights in China are a matter of considerable concern around the world. Would you say that the situation in China human rights wise has improved lately?

ROBINSON: When I was there last month, it was my seventh visit as High Commissioner, which already says something. China is an extremely important country, it is the largest country in the world and I gave a very high priority to working on a technical cooperation programme with China, and that was brought forward two years ago when I signed a memorandum of understanding...

LITTLEJOHNS: What does that mean -- Technical cooperation?

ROBINSON: Yes, a programme of technical cooperation which China committed to working with us on a number of key workshops in important areas. They began with re-education through labor, very important issue. Human rights and the police, human rights education, human rights and prison officers, and the one I was there for last month was independence of judges and lawyers. But the important thing was that it wasn't just a case of a workshop and tick it off; I insisted that there must be follow up and the Chinese agreed to this. And I began to see a Chinese taking ownership of the programme. So on this visit as on previous visits, but very notably on this visit, I had two messages about the situation in China: one that China is cooperating well and indeed that I am very satisfied with progress on the technical cooperation, and the other one is that the reality of human rights in China is still very grim. And I had to

particularly point to the rest of labor leaders because of labor unrest and being held without being brought to trial at all but facing severe penalties. The clamp down on the weaker population post 11th of September, and Tibet continuing to be a problem, the very wide use of the death penalty and so on. And I found that I was giving these two messages in a balanced way, the Chinese Press was covering that I was satisfied with the programme in China and the international press was covering that I had serious concerns about the human right situation and I could not get the press to cover both. And it was both that actually is the accurate story.

HOLLOWAY: It seems to me intuitively that there are two kinds of human rights. That there are those like the right to free speech, the right to a fair trial, the right to be treated decently in prison and not be tortured. And then on the other side, there are rights like the right to education, the right to food and so on. I am not sure I could articulate the difference, perhaps that first our rights that are legally enforceable and the others are not, I am not sure. But would you agree that there is a distinction between the two or is that a Northern Western European way of looking at things?

ROBINSON: You've tended to put it in a western way that I am very anxious to combat, or to address. There are two sets of rights, and they were recognized by the Vienna World Conference in 1993, but what the Vienna World Conference said is that human rights are universal and inter-connected, and you give equal weight to all human rights, and that is what I believe is the holistic approach. So the mandate of the Office of the High Commissioner is to be strong in the protection and promotion of civil and political rights. This is the right to be free of torture, freedom of expression, freedom of religion, etc. To be strong in the protection and promotion of economic, social and culture rights, to food, to shelter, to education, to health, and to try to get international agreement on the right to development which we still have not got. So it is a broad and balanced agenda. And there are six human right instruments that reflect that. And many countries have now ratified all six. The importance I think is that they bind both developed and developing countries. And there is a reporting system to the committees in Geneva and, for women, the CEDAW committee that sits here in New York. And it's

monitoring the implementation. Now it's correct to say that in the case of torture, freedom of expression, etc, these are rights that are guaranteed and you can litigate usually on them. We are increasingly finding courts litigating also in economic, social and cultural rights. In South Africa, in India, in other parts of South Asia, there is a rich jurisprudence now on the meaning of right to food, and how far it extends. And just as Naguati, a Former Chief Justice in India was a lead, a judge in this. But what we really are talking about is progressively implementing without discrimination and being able to measure that implementation and having civil society following budget, following the decisions being made by government to ensure that it is progressively implementing the economic, social and cultural rights.

HOLLOWAY: Well, if I could go on from there, the economic and social rights in a world which is becoming increasingly inter-connected in a globalized world. Now what sort of challenge does that present?

ROBINSON: That to me presents a very demanding, a very interesting challenge, a very relevant one. We talked about it at the summit in Johannesburg. The civil society said 'no sustainable development without human rights'. And they meant economic and social rights, to food, to shelter, to education, to health, etc. And I am very interested in taking that normative framework into the debate on globalization, not talking about words of human rights, or rhetoric about human rights but showing that these are binding rules and that it is measurable whether countries are living up to the legal commitment they made, and that civil society must become more literate, must use these tools as they are doing. I saw that following my visit to China, I went to Cambodia, and saw NGOs in Cambodia, working both with their government and critical of their government in the government preparing its report under the Covenant on Economic, Social and Cultural Rights.

DERGHAM: Madam, you said recently, or were quoted at least for having said that everything is justified by that T word referring to terrorism, that it has become a problem. Governments are hiding behind and fighting terrorism in order to pass their

own agendas, in order to trample civil liberties, in order to crush opponents who really may not have much to do with terrorism. Who did you have in mind?

ROBINSON: It has been a pattern since the 11th of September, and I was very struck when we had the annual meeting of the chairs of these treaty-monitoring bodies and the special raporteurs, about thirty-five experts. The whole concern was the experience of these human rights experts that in country after country, there was a clamp down on freedom of expression, human rights defenders were in more difficult position, acts which would not have been terrorism before the 11th of September were being brand as terrorism, politicians were going on every programme, and justifying what they were doing as combating terrorism. So it seems unfair to single out any particular country, it's a very widespread problem.

DERGHAM: Let me try then to single out some countries just to get your point of view on that. Do you think one of these countries is the United States? Are civil liberties being trampled because under the banner of fighting terrorism?

ROBINSON: Yes, I have had to be critical of the United States in a number of respects. The use of immigration law, the holding without clarifying status of prisoners in Guantana Bay. My real concern, which I voiced some time ago, about prisoners held within Afghanistan where the United States has great influence and we have heard some very tragic stories about that. And the reason why I have spoken out about my concerns, is that when I then address the security laws or the practices in other countries, they say, 'don't you know that standards have changed since the 11th of September, look at the United States'. And it is actually very worrying, it is extremely important that the United States uphold the standards. Having said that, the United States is a very rich democratic country and some of the most acute and documented criticism, the Lawyers Committee for Human Rights has just published a devastating account of undermining and erosion of standards of human rights in the last year in the United States. So there are great strengths in a democracy like the United States.

DERGHAM: But, In your capacity at least as Commissioner, were you trying to get the United Nations, or was there something that could have been done or could

still be done by the United Nations as a body with the United States to say 'wait a moment, you are the leader country and you are becoming the example and let's see how you can stop that', and what sort of feedback did you get from the administration? Were they angry with you?

ROBINSON: I think what the United Nations can do is first of all in the body with primary responsibility; the Commission on Human Rights, have a particular mechanism, it could be an expert, to focus on this area. Interestingly the Security Council after the 11th of September developed a new capacity, and I welcome that, in the security area. The Security Council adopted council resolution 1373 and established the Counter Terrorism Committee. And that is almost like a new treaty body, it is a very interesting committee. We have had good relations with that committee and its Chair, Sir Jeremy Greenstock. And we have been bringing to that committee our human rights analysis, and that committee says to us, 'We're the Security Council. Shouldn't that be done by the Commission on Human Rights?' And I think the Commission on Human Rights could do more. It didn't do it during this last session and I was disappointed in that, but I hope at the next session, it will take upon itself a particular responsibility to monitor. Also the Counter Terrorism Committee is doing more – it is accepting our advices in a way that I am very pleased about. So you know it is not just a case of taking, I mean it is important that the United States give leadership in this area; no doubt about that for the reasons I was giving. But there are numbers of other countries also which have used the excuse if you like of the 11th of September to clamp down on political dissent, on labor unrest, on minorities within a country, and many countries have become much harsher toward refugees and asylum seekers. That's the tragedy.

LITTLEJOHNS: This is **World Chronicle**, our guest is Mary Robinson, the outgoing United Nations High Commissioner for Human Rights. Mrs. Robinson, have you visited Zimbabwe, where there is this problem of seizing the land of white farmers?

ROBINSON: I paid a State visit to Zimbabwe as President of Ireland and at that stage, in 1994 the land issue was just beginning to surface in the way that it then became a very, an issue that became very distorted, if I could put it that way. There is a genuine

land issue. That is one of the complicating factors. It should have been dealt with earlier. It should have been dealt with by President Mugabe, as leader of his country, it should have been dealt with by the international community, by Britain, by everyone. There was some talk about it but it wasn't done, and that is part of the problem. I have written to President Mugabe on a number of occasions, recently in the context of very serious concerns about human rights in Zimbabwe. And I criticized very openly in my address to the Commission on Human Rights, which I think took some of the African countries by surprise that I would so openly criticize, but I had to be very clear that yes there is a land issue and as an Irish person I understand that profoundly, but you cannot address it in a way that so clearly transgresses human rights, and indeed it has brought the Zimbabwean economy to a very dangerous situation and there is a very big problem of famine as you know in Zimbabwe.

LITTLEJOHNS: So the human rights of the white farmers are being violated?

ROBINSON: There are being violated and so are the human rights of a number of other citizens in Zimbabwe in this context.

HOLLOWAY: You said at the very beginning that some governments were not very amenable to the work you are doing. One of the paradoxes it seems to me of the UN system is that someone in your position is dealing with governments, but in a question of human rights that the victims are victims of government. What structural changes do you think should be put in place to protect people like the Kurds who have – there are 22 - 25 million Kurds, there are more of them than there are of many nation states in the UN, but no one speaks of them. So what should put in place to protect people like that?

ROBINSON: Certainly you are right about just that complexity, that working at the level of international human rights on the normative structure is working both with governments in dialogue and technical corporation and working to criticize governments if they're failing to live up to the normative framework they've agreed to uphold the governance on the conventions, or they simply are violating human rights. And if you take the problem of a population such as the Kurds in different countries, it is more

difficult because the responsibility from a human rights point of view is the responsibility of states to uphold for their citizens and those living within their territory a human right, and you can hold them to account for that. And it is not true that the Kurds have no voice. They do in fact come to the Commission on Human Rights and they have a number of NGOs and other bodies that voice their concerns. And, but there is a political dimension which obviously the Commission on Human Rights is not going to deal with and then there's a pure human rights dimension. And it is not easy to deal with it in those circumstances but being a voice for victims I have always felt that that is one of the very key obligations and responsibilities of a High Commissioner, and I reflected really that it is a rather unique post under the United Nations system because I think of all the positions, it is the one that serves the first three words of the charter. It serves 'We the peoples'. It works with governments, it pins governments their responsibilities, but it is not the servant of the member states. It is the servant of 'We the peoples...'

DERGHAM: Another situation where it is of a particular dimension, it is the human rights of people under occupation. You have been outspoken regarding the violations by Israel of the human rights or of the Palestinians, and the Secretary-General Kofi Annan had criticized the Israel authorities for violating humanitarian law. Now what happens after these words? Is there any way for the international communittee for the United Nations to sort of take any kind of action to stop States from the systematic violation of a humanitarian law?

ROBINSON: What I have been very concerned to do in every statement and in my visit to Israel and the occupied territories in November 2000 was to have the integrity of the human rights message, and to be balanced. So yes, when I went there in November 2000, I analyzed that the root of the human rights problem for the Palestinian people is the occupation. It is humiliating, it is a daily grinding problem whether no intifada and you know that this is a reality that has to be taken and there are UN resolutions, which as you say address that issue and should be upheld. I have also spoken out very strongly condemning the suicide attacks on civilian population and I

think that it is extremely important to make that point. The reason I emphasize this is that what is happening in Israel and the occupied territories is something that is undermining the integrity of human rights, because both sides say there are double standards. The Palestinian population say the UN resolutions are not abided by, America shields Israel, we don't get anywhere. Israel says we're the only country that is always the victim of endless resolutions. So it is very very difficult to work in that environment for human rights and it has been extremely important I think that I have said very clearly that the occupation itself is the root of the human rights problems and I welcome that we are seeing some political commitment to a solution of two states side by side as neighbors. Until that happens, the human rights situation will not be properly addressed.

DERGHAM: But at any rate if any country, Israel or any other country systematically violates the humanitarian law, is there no legal frame work where these countries can be held accountable so that it is not going to be, the criticism doesn't simply amount to lip service or to being considered where you know what we will just get scolded and we will just go on doing what we need to do anyway?

ROBINSON: Part of the human rights overall system is to become more effective at addressing continuous and gross violations and we have a number of different ways: the Commission on Human Rights addresses country situations and passes resolutions, raporteurs visit or report if they are not allowed to visit, and as High Commissioner, I can speak, issue statements, write letters, draw attention, make my reports to the General Assembly, to the Commission on Human Rights and so on, and so there is a monitoring and countries do not like to be named and shamed in public. It may not sound very effective, but countries do not like to have their human right record a matter of the public record of the human right system. I think as we go on, provided we get adequate resources, the system will become more and more effective. Civil society play an enormously important role in it.

LITTLEJOHNS: Mrs. Robinson, you are going to be fairly hard act to follow. What are you going to be doing in private life to continue your involvement with human rights?

ROBINSON: Well, after a good holiday, I am looking forward quite enthusiastically to drawing on the experience. It has been an enormous privilege to serve as a High Commissioner for Human Rights. There is a legal authority, a moral authority if you like, working within the UN, but I think I can bring the experience of the doing into the debate on globalization. I think there is a very substantive message to make the case for a more ethical fairer globalization. What I mean is that Ministers going to the WTO should have in the forefront of their mind...

LITTLEJOHNS: The world Trade Organization.

ROBINSON: The World Trade Organization, at the forefront of their mind that they themselves have obligations under the human rights system and they must enable developing countries to fulfill their obligations to progressively feed, clothe, house their population. And I think there is a hugely intellectual and important case to be made and I want to be joined with others to make it. I also am impatient about the lack of resourcing for what developing countries are committed to. Look at the new African Partnership for Development. It is African leaders who have said it <u>our</u> priority to strengthen our administration of justice, our rule of law, and to adhere to human rights standards. And instead of coming with old support and resourcing, intellectual support and helping, countries are sort of saying 'well, you know, we commend you for that, do that, and we will support you elsewhere'. You know, there is a lack of reality; to clean up a prison system is extremely costly; to train judges, to teach police to stop torturing and gather forensic evidence. It is a generation commitment. And I am very interested in a low key way in working outside governments in fact to get more resources and work on that.

LITTLEJOHNS: You have spoken about globalization. Do you think that corporate leaders in the West are sufficiently aware of human rights?

ROBINSON: I think increasingly. In fact I saw that very visibly in Johannesburg. There were significant numbers of leading CEOs at the Summit on Stainable Development. And what we need now is not just the welcome interest and willingness to engage of the corporate sector but also accountability. We must move to rules of accountability, and we have very good work going on in the sub-Commission on Human Rights on norms and responsibilities of corporations. Some of the more progressive business, Business for Social Responsibility, Prince of Wales Trust support this. Others resist it in a way that I find, you know, interesting. So there is a business debate about what kind of accountability, but if business has such power, it must be responsible, it must be accountable.

HOLLOWAY: As you leave office, the International Criminal Court is just coming to into being, and that is going to be a major weapon in the fight for human rights. But the United States' hostility to it is well known. Do you see that in that particular case and in a more general sense the United States withdrawing from the multilateral system as a threat to human rights?

ROBINSON: I do see a cultural problem and I think the only way to address it is to dialogue and dialogue in the United States on this issue because the International Criminal Court is absolutely vital. It's a most important institution to combat impunity, and it's enthusiastically endorsed by the vast majority of countries in the world, and there is as I say a culture problem of a super power in somehow comprehending that the laws that bind others should also apply within the United States, and I hope that the present short term undermining of the legitimacy and credibility of the court is a short term problem. I hope that the court, once it is up and running in the Hague will prove itself at a very early stage, because we do need it very much.

DERGHAM: Mrs. Robinson, do you think it is true, or do you think it is just being a rumor that you were edged out of office due to pressure by the United States?

ROBINSON: Well, as I say I was very glad to be persuaded to continue for a further year and I saw as I said the strengthening of the office when the impact of the 11th of September began to be felt in the way in which it was tending to sideline or

railroad standards of human rights, I realized that times were going to be very tough. And I did indicate that I don't walk away when times are tough, that I would be prepared. I was aware of probable resistances and in the event I am now very happily moving into a different area.

DERGHAM: Any regrets?

ROBINSON: I have regrets about the gaps that exist and the failure to address human rights violations. I don't regret having spoken out. I don't regret that at all. I don't say I always made the right judgments, and nobody ever does, but it is most important that within the UN, we have a voice for victims, a voice that stands up to developed and developing countries; sometimes it is hard to do, but it is absolutely vital.

LITTLEJOHNS: Mrs. Robinson, that's all the time we have. Thank you for being with us on this edition of World Chronicle. Our guest has been Mary Robinson, the outgoing United Nation High Commissioner for Human Rights. She was interviewed by Robert Holloway of *Agence France-Presse,* and Raghida Dergham of *Al-Hayat of London.* I'm Michael Littlejohns. Thank you for joining us. We invite you to be with us for the next edition of **World Chronicle.**

ANNOUNCER: Transcripts of this programme can be obtained free of charge by sending a self-addressed, stamped envelope to **World Chronicle**, United Nations, Room S-827L, New York, N.Y., 10017. This programme is a Public Affairs Presentation of this station from United Nations Television.